



HR 3791 – SAFE Act of 2007

Floor Situation

H.R. 3791 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Nick Lampson (D-TX) on October 10, 2007. The bill has been referred to the House Judiciary Committee, but no action has been taken on the bill.

HR 3791 is expected to be considered on the House floor on December 5, 2007.

Summary

HR 3791 requires any entity that is providing an electronic communication service or a remote computing service to the public to report instances to the CyberTipline of individuals responsible for violating child sexual exploitation and pornography laws.

**Note: This would include any person that employs, uses, persuades, induces, entices, or coerces any minor to engage in this type of conduct.*

The report must include (1) information on the individual that has committed the violation, including the website address, email address, and uniform resource locator; (2) historical data on the child pornography; (3) location of the individual involved; (4) images of apparent child pornography; and (5) contact information on the service provider making the report.

The bill requires the National Center for Missing and Exploited Children to forward any report to the appropriate Federal agency and authorizes the Center to forward the report to appropriate state and local law enforcement agencies as well as foreign law enforcement agencies.

**Note: The appropriate Federal and foreign law enforcement agencies as well as any conditions on forwarding reports to them is subject to the Attorney General.*

The bill also establishes a penalty for knowingly and willfully failing to make the reports required. The penalty for a first offense is up to \$150,000 and any additional offense carries a penalty up to \$300,000.

A law enforcement agency can only disclose information from a report to an attorney for the government, appropriate employees of the agency, government employees for the

purpose of assisting the attorney, or to a defendant in the criminal matter that the report relates to.

The bill requires a service provider to store the image or information that prompted a report for at least 180 days.

The bill also provides liability protections for service providers performing the reporting requirement against civil claims or criminal charges. These protections do not extend to intentional, reckless or other forms of misconduct. Similar protections are also provided for the National Center for Missing and Exploited Children.

The bill authorizes the National Center for Missing and Exploited Children to provide service providers with elements relating to electronic images for the sole purpose of stopping the transmission of those images.

Background

According to the Department of Justice, “Producing child abuse images has now become easy and inexpensive. The Internet allows images and digitized movies to be reproduced and disseminated to tens of thousands of individuals at the click of a button. The distribution and receipt of such images can be done almost anonymously. As a result, child pornography is readily available through virtually every Internet technology (web sites, email, instant messaging/ICQ, Internet Relay Chat (IRC), newsgroups/bulletin boards, and peer-to-peer). The technological ease, lack of expense, and anonymity in obtaining and distributing child pornography has resulted in an explosion in the availability, accessibility, and volume of child pornography.”

During the first session of the 110th Congress, the House has passed several pieces of legislation designed to keep America’s children safe. The legislation also seeks to make it easier to prosecute those who have engaged in the sale or distribution of child pornography. The following bills were passed in the first session of the 110th Congress:

- H.R.3845 - PROTECT Our Children Act of 2007- Passed the House under suspension: 415 - 2 ([Roll no. 1091](#)).
- H.R.4120 - Effective Child Pornography Prosecution Act of 2007 - Passed the House under suspension: 409 - 0 ([Roll no. 1105](#)).
- H.R.3461 - Safeguarding America's Families by Enhancing and Reorganizing New and Efficient Technologies Act of 2007 - Passed the House under suspension: 398 - 6 ([Roll no. 1085](#)).
- H.R.719 - KIDS Act of 2007 - Passed the House under suspension: 417 - 0 ([Roll no. 1092](#)).
- H.R.4136 - Enhancing the Effective Prosecution of Child Pornography Act of 2007 - Passed the House under suspension: 416 - 0 ([Roll no. 1121](#)).

- H.R.4134 - To direct the Attorney General to provide grants for Internet crime prevention education programs – Passed the House by voice vote.

Cost

The Congressional Budget Office has not yet scored this legislation.